

Education Committees' Report to the Commission on Federalism

Priorities:

- Support current efforts to abolish the federal Department of Education.
- Repeal requirements that have been implemented through the various iterations of the Elementary and Secondary Education Act, including through the Every Student Succeeds Act and associated regulations. These requirements include requirements related to assessments and accountability.
- Address the Department of Education's Office for Civil Rights overly restrictive interpretation of Title IX.

Other Federal Laws and Regulations to Study for Potential Overreach

Requirements related to public and higher education

- **Americans with Disabilities Act (1990)**- The act is designed to help people with disabilities access the same employment and educational opportunities and benefits available to people without disabilities. The ADA provides broad nondiscrimination protection in employment, public services, and public accommodations. A "reasonable accommodation" is a change that accommodates employees and/or students with disabilities without causing "undue hardship".
- **Family Educational Rights and Privacy Act (FERPA) (1974)**- Protects students' education records.
- **Title IX (1972)**- A comprehensive law that prohibits, on the basis of sex, participation or benefits of any education program or activity receiving federal monies.

Requirements related specifically to higher education

- **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990) and related updates**- This act requires an annual security report, update a public crime log, give timely warnings, and keep crime statistics.
 - **Campus Sexual Violence Elimination Act (Campus SaVE Act)**- SaVE requires colleges and universities, both public and private, participating in federal student aid programs, to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming.
 - Requirements added as part of the reauthorization of the **Violence Against Women Act** Colleges and universities are required to report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates; adopt certain student discipline procedures, such as for notifying purported victims of their rights; and adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.
- **Campus Sex Crimes Prevention Act**- Requires registered sex offenders to notify of enrollment or employment or any changes in enrollment or employment at any institution of higher education.

- **Equity in Athletics Disclosure Act (1994)**- Annual report regarding athletics department participation rates and financial support data.
- **Report on Completion or Grad Rates for Student Athletes** - Annual report of completion or graduation rate of its degree-seeking, first-time, full-time undergraduate student athletes.
- **Higher Education Act (1965) and Higher Education Opportunity Act (2008)**- A complex set of regulations that require university disclosure to all students and prospective students information about the academic program and standards that must be met, as well as accreditation information. HOEA (2008) in particular added certain regulations to combat illegal file sharing and requires colleges and universities to release an annual disclosure to all students regarding copyright laws and associated campus policies, a written plan to combat illegal copyright issues to the U.S. Department of Education, and offer alternatives to illegal downloading to students. The HEOA (2008) also requires many colleges and universities to provide net-price calculators to students to calculate the cost of their education.
- **Gainful Employment (2014)**- Requires for-profit programs and most non-degree programs at non-profit and public institutions to clarify that their gainful employment programs meet state and federal requirements, and meet minimum standards for debt vs earnings of their graduates (programs whose graduates have annual loan payments less than 8% of total earnings or less than 20% of discretionary earnings. Each institution must also make public disclosures of their gainful employment programs and include information such as costs, earnings, debt and completion rates.
- **Responsible Conduct of Research (2009)**- This regulation falls under the America Competes Act. It outlines that each institution, that applies for financial assistance from the National Science Foundation, must describe in its grant proposal a plan to provide appropriate training and oversight in regards to the ethical conduct of research to students, professors, and all those participating in the research project.
- **Protection of Human Subjects (2009)**- Regulation that governs the Institutional Review Boards for oversight of human subject research. This regulation includes requirements for compliance, requirements for researchers, and requirements for Institutional Review Boards.
- **Information Privacy and Security**- Various regulations include: Communications Assistance for Law Enforcement Act (CALEA), HSA, Defense Contract Management Agency (DCMA), International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), Payment Card Industry Data Security Standard (PCI DSS).
- **Department of Education Regulations Relating to Financial Aid**- DOE has a number of specific regulations regarding financial aid: Program Participation Agreement, FISAP, Gainful Employment, HESSP, UECSP, Title III Waiver, Supplemental Funds, Minority Scholarship Report, Verification Corrections, Disbursement Records, PELL Originations, Loan Originations, Transfer Monitoring, etc. Further, in order for an institution to be eligible for federal financial aid, the higher education institution must be accredited by a DOE authorized accrediting agency.
- **Department of Veteran Affairs Relating Regulations to Benefits for Students**- DVA has numerous regulations relating to VA benefits for students: Annual Auditing, Certification Requirements, Educational Benefits, VA ONCE, Low Grade Reports/ Probation, Changes to Course Catalog, etc.